IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION No. 21194 of 2004

Between:

P. Bojjanna, S/o. B. Buggappa, Occu:Conductor,E.No.87256,
Door No. 17/563, Neeruganti Veedhi, Old Town, Ananthapur,
Ananthapur District.

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Ananthapur Depot, Ananthapur,
   Ananthapur District.
2. The Regional Manager, APSRTC, Ananthapur Region,

Ananthapur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the action of the respondents in not adding the Notional Increments to the pay of the petitioner for the out of service period i.e., from 16-1-1997 to till the date of reinstatement of the petitioner in spite of the specific direction of the Labour Court, Ananthapur in I.D.No. 106 of 1997 dated 30-8-2000 as illegal, arbitrary and inviolation of Articles 14 and 21 of the Constitution of India and consequentially direct the respondents to add notional increments to the pay of the petitioner for the out of service period i.e., 16-01-1997 to till the date of reinstatement of the petitioner.

Counsel for the Petitioner: Mr. S.SURENDRA KUMAR

Counsel for the Respondent Nos.1&2: MR. P.VINAYAKA SWAMY (Standing Counsel for A.P.S.R.T.C.)

The Court at the stage of admission made the following :

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THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No. 21194 of 2004

ORDER:

The petitioner is working as a Conductor in the respondents-Corporation. He was imposed a punishment of removal through the proceedings dated 16.01.1997. He preferred I.D.No.106 of 1997 before the Labour Court, Ananthapur, and the Labour Court, Ananthapur through the Award dated 30.08.2000, directed reinstatement of the petitioner with continuity of service by granting notional increments without any back wages.

2. The grievance of the petitioner is that though he was reinstated into service, in pursuance of the Award of the Labour Court, the respondents did not fix his pay by adding notional increments for the period from the date of termination till the date of reinstatement. He also contended that he made several representations to the respondents in this regard, but no orders have been passed. He, therefore, approached this Court, through this writ petition, seeking to direct the respondents to fix his pay by computing the notional increments from the date of termination till the date of reinstatement, in pursuance of the Award of the Labour Court in I.D.No.106 of 1997 dated 30.08.2000.

3. In the light of the circumstances explained by the petitioner, the respondents are directed to go through the Award of the Labour Court, Ananthapur in I.D.No.106 of 1997 dated 30.08.2000, and pass appropriate orders regarding the request of the petitioner for fixation of his pay, by working out the notional increments for the period from the date of termination till the date of reinstatement, within a period of 2 (two) months from the date of receipt of a copy of this Order.

4. The writ petition is, accordingly, disposed of. No costs.

Dr.G.YETHIRAJULU, J

Dated: 19th November, 2004.

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Depot Manager, A.P.S.R.T.C., Ananthapur Depot, Ananthapur, Ananthapur District.
2. The Regional Manager, A.P.S.R.T.C., Ananthapur Region, Ananthapur, Ananthapur District.
3. Two C.D. copies.